

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SWAIM)

A BILL FOR

1 An Act relating to the issuance of a protective order or
2 approval of a consent agreement in a domestic abuse case and
3 providing for a study.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 236.5, subsection 2, Code Supplement
2 2009, is amended to read as follows:

3 2. a. An order for counseling, a protective
4 order, or approved consent agreement shall be for a
5 ~~fixed three-year period of time not to exceed one year.~~ The
6 During the three-year period, the court may amend or extend
7 terminate its order or a consent agreement at any time after
8 one year from the issuance of the order or approval of the
9 consent agreement upon a petition filed by either party the
10 defendant and after notice and hearing. In such a case, the
11 defendant has the burden of proving the defendant no longer
12 poses a threat to the safety of the victim, persons residing
13 with the victim, or members of the victim's family.
14 b. After the three-year period, the court may extend
15 and amend its order or a consent agreement at any time upon
16 the filing of a petition by either party and after notice
17 and hearing. The court may extend ~~the~~ and amend its order
18 if the court, after hearing at which the defendant has the
19 opportunity to be heard, finds that the defendant continues to
20 pose a threat to the safety of the victim, persons residing
21 with the victim, or members of the victim's immediate family.
22 At the time of the extension, the parties need not meet the
23 requirement in section 236.2, subsection 2, paragraph "d",
24 that the parties lived together during the last year if the
25 parties met the requirements of section 236.2, subsection 2,
26 paragraph "d", at the time of the original order. The number of
27 extensions that can be granted by the court is not limited.

28 Sec. 2. DOMESTIC ABUSE LEGISLATIVE INTERIM STUDY —
29 PROTECTIVE ORDERS. The legislative council is requested to
30 establish an interim committee to study issues relating to
31 domestic abuse and the issuance and enforcement of protective
32 orders. The interim committee shall submit a report of its
33 findings and recommendations to the general assembly not later
34 than January 1, 2011.

1 EXPLANATION

2 This bill relates to the issuance of an order or consent
3 agreement in a domestic abuse case and provides for a study.

4 The bill extends the period of time that a court may issue
5 an order for counseling, a protective order, or an approved
6 consent agreement from one year to three years upon a finding
7 that a defendant has engaged in domestic abuse. During the
8 three-year period, the court may terminate the order or consent
9 agreement at any time after one year from the issuance of
10 the order or consent agreement upon a petition filed by the
11 defendant and after notice and hearing. In such a case, the
12 defendant has the burden of proving the defendant no longer
13 poses a threat to the safety of the victim, persons residing
14 with the victim, or members of the victim's family. After the
15 three-year period, the court may extend and amend its order or
16 a consent agreement at any time upon petition filed by either
17 party and after notice and hearing.

18 Current law provides that upon a finding that a defendant
19 has engaged in domestic abuse, an order for counseling, a
20 protective order, or an approved consent agreement shall be
21 issued by the court for up to one year and the court may amend
22 or extend the order or consent agreement at any time upon
23 petition by either party.

24 The bill requests the legislative council to establish an
25 interim committee to study issues relating to domestic abuse
26 and the issuance and enforcement of protective orders. The
27 interim committee shall submit a report of its findings and
28 recommendations to the general assembly not later than January
29 1, 2011.